

## **REMARKS**

### **The Office Action**

Claims 1-19 stand rejected under 35 U.S.C. 103(a) as being unpatentable over Huang, et al. (U.S. Patent No. 6,437,836).

### **Comments/Arguments**

The rejection of claims 1-19 is hereby traversed. More specifically, it is respectfully submitted that Huang fails to disclose each and every element, step and/or feature as claimed. Additionally, it is respectfully submitted that the basis for the rejection is unsupported by the evidence of record in the present application.

Notably, the Examiner concedes that Huang does not expressly disclose a universal remote control (URC) that mimics or reproduces the actual visual appearance of the original remote control (RC) being emulated. Nevertheless, the Examiner contends that it would have been obvious to modify the URC of Huang to have a visual appearance substantially the same as the original RC being emulated. Applicant disagrees.

Significantly, the Examiner provides no suitable support for the obviousness rejection. That is, the motivation for the proposed modification is not expressly disclosed in any cited prior art and/or no secondary reference disclosing the missing feature or providing the motivation for the proposed modification has been cited. The Examiner's statements in this regard simply lack any supporting evidence in the record. For example, nowhere does Huang disclose that it is desirable for the URC of Huang to reproduce the visual appearance of the emulated RC to enhance user friendliness. That is to say, the motivation proposed by the Examiner for making the modification is clearly not found in Huang.

The Manual of Patent Examining Procedure (MPEP) is instructive on this point. "Obviousness can only be established by combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion, or motivation to do so found either explicitly or implicitly in the references themselves or in the knowledge generally available to one of ordinary skill in the art." MPEP §2143.01. Moreover, it is axiomatic that to establish a *prima facie* case of obviousness as is the Examiner's burden, all the claim limitations must be taught by the prior art. See, e.g.,

MPEP §2143.03. Inasmuch as no secondary reference has been cited, and Huang fails to expressly provide the motivation for making the proposed modification and concededly fails to explicitly teach every claim feature, presumably the Examiner is relying on what is well-known prior art or common knowledge in the art.

Surely, the Examiner is well aware that the Applicant is required to seasonably challenge statements made by the Examiner that are not supported by evidence on the record, and that failure to do so will be construed as an admission by the Applicant that the statements are true. See, e.g., MPEP §2144.03. Therefore, in accordance with Applicant's duty to seasonably challenge such unsupported statements, the Examiner is respectfully requested to cite one or more specific references that provide the motivation for the proposed modification and/or disclose the missing feature. Compliance with MPEP §2144.03 mandates that if an Examiner is to properly maintain a rejection then documentary evidence must be supplied when the Applicant traverses the Examiner's assertions with respect to what is well-known or common knowledge in the art. Alternately, if the Examiner is unable to provide the required evidence by way of a cited reference, and is instead relying on their own personal knowledge, Applicant hereby requests that the evidence be provided in the form of an affidavit from the Examiner under 37 C.F.R. §104(d)(2). Absent substantiation on the record by the Examiner, it is respectfully requested that the rejection under 35 U.S.C. §103(a) be withdrawn.

In any event, it is submitted that there is simply no appropriate motivation to modify the teachings of Huang to read on the present claims. On the contrary, Huang teaches away from the claimed invention. Notably, in the only depiction of the URC (i.e., FIGURE 6), Huang shows a generic keypad layout. Nowhere does Huang suggest in anyway that the depiction should mimic or be a replica of the original RC being emulated. Moreover, Huang expressly teaches that commonly used RC functions are displayed on an initial screen while various other RC functions are grouped together and displayed in additional drop-down screens. See, e.g., col. 7, lines 48-53. Clearly, Huang does not intend or even contemplate that the screen would depict or replicate the visual appearance of the original RC being emulated. On the contrary, Huang envisions different RC buttons being grouped together by functionality and presented on different screens. Such an approach is significantly different from trying to replicate the visual appearance of the original RC.

Moreover, that a user may customize the URC of Huang, merely means that the user may select which buttons or functions appear on what screens. This in no way suggests that the user may program the URC to depict on the screen a replica of the original remote control which appears visually like the original RC being emulated.

As to new claim 20, Huang fails to disclose a memory in which is stored a record or file for each description of an original RC, including: a field identifying the original RC that is associated with the description, data used to paint the representation of the original RC on a graphical user interface; and, a button map that interrelates coordinate locations on the graphical user interface with signals that are transmitted from the universal remote control in response to the locations being touched. As to new claim 21, Huang further fails to disclose a button map which interrelates the coordinate locations on the graphical user interface with corresponding buttons on the originate remote control associated with the description. As to new claim 22, Huang also fails to disclose displaying replicas of multiple different sides of an original RC being emulated by a URC. Accordingly, new claims 20-22 distinguish patentably over the prior art.

### CONCLUSION


For the reasons detailed above, it is respectfully submitted that all the claims remaining in the application are now in condition for allowance. The foregoing comments do not require unnecessary additional search or examination.

In the event the Examiner considers personal contact advantageous to the disposition of this case, he/she is hereby authorized to telephone the below signed, at (216) 861-5582.

Respectfully submitted,

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April 5, 2006  
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